

Case Law Today - February 2011

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Tasers: Dart Mode

with William W. Bedsworth, Appellate Court Justice, State of California

Use of tasers by police officers is getting a lot of attention from federal courts confronted with federal civil rights actions alleging excessive force by police officers. Justice Bedsworth addresses the 9th Circuit decision having to do with using tasers in "dart mode." *Case cited: Bryan v. MacPherson* (2010) DJDAR 17910 (December 1, 2010). (10:09)

Inconsistency Between DMV Records and Reg Tabs Justifies

with Jeff Rubin, Deputy District Attorney, Alameda County, CA

Although the fact a car is displaying an apparently valid temporary permit does not usually provide reasonable suspicion by itself to justify a stop, a stop is proper if police became aware of other information that suggests the registration is not valid. For example, if a DMV records check reveals the car has not been registered and is not in the process of being registered despite the apparently valid permit, a stop would be justified. *Cases cited: People v. Hernandez* (2010) (2008) 45 Cal.4th 295; *People v. Greenwood* (2010) 189 Cal.App.4th 742. (6:36)

Reasonable Suspicion: A Little Bit of This and a Little Bit of That

with Daniel McNeerney, Superior Court Judge, Orange County, CA

In *Letner*, the California Supreme Court suggests that an officer's suspicion of two different types of possible criminal activity might combine to form reasonable suspicion for a traffic stop. *Case cited: People v. Letner* (2010) 50 C4 99. (9:56)

Opening Dryer Door Reasonable Under Fourth Amendment

with Jeff Rubin, Deputy District Attorney, Alameda County, CA

Discusses a case finding an officer acted reasonably for Fourth Amendment purposes by opening a dryer door (conduct that revealed the presence of drugs) during the search for a probationer because the dryer was making loud noises and inhibiting the officer from communicating with other persons in the residence in a safe manner. *Case cited: People v. Smith* (2010) 190 Cal.App.4th 572. (12:12)

VC§14602.6 Impounds

with Devallis Rutledge, Special Counsel, Los Angeles CO District Attorney's Office

VC§14602.6 authorizes 30-day impound of vehicle driven by someone never licensed, or on suspended/revoked CDL. Other cases discussed include: *Miranda v. City of Cornelius* (9 Cir. 2005) 429 F.3d 858 — Oregon impound violated the 4th Amendment; *Salazar v. Maywood* (9 Cir. 2011) *Unpublished opinion* — Impounds pursuant to VC§14602.6 are not unconstitutional. (6:05)

Use of Night Vision Goggles Not a Search

with Jeff Rubin, Deputy District Attorney, Alameda County, CA

The use of night vision goggles does not transform law enforcement observations into a search. *Cases cited: Kyllo v. United States* (2001) 533 U.S. 27; *People v. Liang* 2010 WL 5072046. (5:25)

